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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/410,853	10/01/1999	JERRY ALTEN	UV-137-CONT.	7565

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Joseph M Guiliano Fish & Neave IP Group Roper & Gray LLP 1251 Avenue of the Americas New York, NY 10020	**EXAMINER** SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01 February 2007</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,4-7,13-20,26-33,39-45,47 and 52-59* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7,13-20,26-33,39-45,47 and 52-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the

fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since

this application is eligible for continued examination under 37 CFR 1.114, and the fee

set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office

action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

02/01/07 has been entered.

Response to Arguments

2.   Applicant's arguments with respect to claims 1, 2, 4-7, 13-15, 17-20, 26-

28, 30-33, 39-45, 47 and 52-59 have been considered but are moot in view of the new

ground(s) of rejection.

With respect to claims 1, 4-5, 13-14, 17-18, 2, 26-27, 30-31, 39-40, 42-43 and

46-47, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al**

(4,706,121) in view of **Richards et al (5,179,654),** and claims 2, 6-7, 15, 19-20, 28, 32-

33, 41 and 44-45 rejected under 35 U.S.C. 103(a) as being unpatentable over **Young** in

view of **Richards**, and further in view of **Palmer et al (6,320,588)**, applicant amends

claims and further argues that the prior arts of record do not teach amended claim

limitations, i.e., "...tracking and storing the current operating mode of the electronic

program guide as the user operates the television program guide…and where the help

information provided is based on the stored current operating mode…"

In response, Examiner disagrees. Examiner notes applicant's argument,

however the amended claims do not overcome the prior arts of records. Young teaches

receiving a user input, via Remote Receiver (RR) 118 or 190 receives via Remote

Control Transmitters (RC) 116 or 118, where a user selects a key PG 224 "help

information key" on RC 116 or 118 to receive help information for the television program

guide 'EPG' or television Menu (col. 9, line 54 and col. 12, lines 30-44) that explains to

the user how the electronic television program guide operates, displaying the help

information at the bottom of the screen of Television Receiver (TV) 126 or 200. Young

fails to explicitly teach tracking and storing a current operating mode of the electronic

program guide as the user operates the electronic television program guide and

providing help information based on the stored current operating mode, however this

deficiency in Young is disclosed in Richard's reference, which teaches a menu system

which provides help information, that appear through pop-up windows, at various

operating mode of the menu, where a user navigates through menus and

Microprocessor 10, tracks and stores the current operating mode of the menu as the

user operates the menu and provides help information based on the stored current

operating mode of the menu (see col.1, line 61-col.2, line 61, col.3, line 1-col.4, line 33

and figs. 1-4, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8,

line 1+). Hence, applicant's amended claims do not overcome the prior arts of records,

as discussed in the office action below. The amendment to all the independent claims

necessitated the new ground(s) of rejection discussed below. This **Office Action is non-Final**.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1, 4, 5, 13, 14, 17, 18, 26, 27, 30, 31, 39, 40, 42, 43, 46 and 47 and 52-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young et al (4,706,121)** in view of **Richards et al (5,179,654).**

As to claim 1, note the **Young** reference figures 1-3, discloses a TV schedule or EPG system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains to a user of an electronic television program guide how the electronic television program guide operates, the method comprises the following:

the claimed "receiving a user input and providing help information that explains to the user how the electronic television program guide operates..." is met by Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, user inputs where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12, lines 30-44) that explains to the user

how the electronic television program guide (EPG) operates is displayed at the bottom
of the screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach tracking and storing a current operating mode of the
electronic program guide as the user operates the electronic program guide and
providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that
appear through pop-up windows, at various operating mode of the menu and the
system tracks and stores the current operating mode of the menu as the user operates
the menu and provides help information based on the stored current operating mode of
the menu and where the stored current operating mode of the menu comprises data
reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-
col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8,
line 1+), note that the user navigates through menus and Microprocessor 10, tracks and
stores each menu and also items within each menu to dynamically provide different
levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time
of the invention to incorporate the teaching of Richards into the system of Young to
dynamically generate help text or instruction and display help text on each selected tile,
item or grid of the EPG data, and furthermore enable interaction with each selected tiles
or grid of the EPG data for additional information, help or instructions relating to the
selected tile or grid of the EPG data.

As to claim 4, Young further discloses where RC 116 or 118 generates the user input in response to the user depressing PG 224 "help information key" on RC 116 or 118 (col. 9, line 54 and col. 12, lines 30-44), to displayed help information at the bottom of the screen of TV 126 or 200.

As to claim 5, Young further discloses displaying a text message (col. 12, lines 30-58), which explains to the user how a portion of the EPG operates.

As to claim 13, Young further discloses storing the help information in memory and retrieving the help information from the memory in response to receiving the user input (col. 7, lines 47-64, col. 8, lines 32-44 and col. 12, lines 64-68).

As to claim 14, note the **Young** reference figures 1-3, discloses a TV schedule system and process which allows a user selection of broadcast programs from schedule information and further discloses a method for providing help information that explains to a user of an electronic television program guide how the electronic television program guide operates, the system comprises the following:

the claimed "means for receiving a user input and means for providing help information that explains to the user how the electronic television program guide operates..." is met by Remote Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line 10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or 118, user inputs, where if the user selects key PG 224 "help information key" on RC 116 or 118, help information (col. 9, line 54 and col. 12, lines 30-44), that explains to the user how the electronic television program guide

operates is displayed at the bottom of the screen of Television Receiver (TV) 126 or

200.

Young fails to explicitly teach tracking and storing a current operating mode of

the electronic program guide as the user operates the electronic program guide and

providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that

appear through pop-up windows, at various operating mode of the menu and the

system tracks and stores the current operating mode of the menu as the user operates

the menu and provides help information based on the stored current operating mode of

the menu and where the stored current operating mode of the menu comprises data

reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-

col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8,

line 1+), note that the user navigates through menus and Microprocessor 10, tracks and

stores each menu and also items within each menu to dynamically provide different

levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Richards into the system of Young to

dynamically generate help text or instruction and display help text on each selected tile,

item or grid of the EPG data, and furthermore enable interaction with each selected tiles

or grid of the EPG data for additional information, help or instructions relating to the

selected tile or grid of the EPG data.

Claim 17, is met as previously discussed with respect claim 4.

Claim 18, is met as previously discussed with respect claim 5.

Claim 26, is met as previously discussed with respect claim 13.

As to claim 27, note the **Young** reference figures 1-3, discloses a TV schedule

system and process which allows a user selection of broadcast programs from schedule

information and further discloses an electronic television program guide system that

provides help information for explaining to a user of an electronic television program

guide how the electronic television program guide operates, the system comprises the

following:

the claimed "a video display generator," is met by Video Display Generator

(VDG) 204 (col. 8, lines 48-62);

the claimed "a remote controller," is met by Remote Control Transmitters (RC)

116 or 118 (col. 7, lines 33-57 and col. 9, lines 48-52);

the claimed "a microcontroller," is met by CPU 178 (col. 8, lines 35-62); and

electronic television program guide (EPG) executed by CPU 178 and programmed to

receiver a user input via Remote Control Transmitters (RC) 116 or 118 and Remote

Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line

10), and provides help information at the bottom of the screen of Television Receiver

(TV) 126 or 200 that explains to the user how the EPG operates to the VDG 204 in

response to receiving the user input, i.e., when the user presses PG 224 "help

information key" on RC 166 or 118.

Young fails to explicitly teach tracking and storing a current operating mode of

the electronic program guide as the user operates the electronic program guide and

providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that

appear through pop-up windows, at various operating mode of the menu and the

system tracks and stores the current operating mode of the menu as the user operates

the menu and provides help information based on the stored current operating mode of

the menu and where the stored current operating mode of the menu comprises data

reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-

col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8,

line 1+), note that the user navigates through menus and Microprocessor 10, tracks and

stores each menu and also items within each menu to dynamically provide different

levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Richards into the system of Young to

dynamically generate help text or instruction and display help text on each selected tile,

item or grid of the EPG data, and furthermore enable interaction with each selected tiles

or grid of the EPG data for additional information, help or instructions relating to the

selected tile or grid of the EPG data.

Claim 30, is met as previously discussed with respect claim 4.

Claim 31, is met as previously discussed with respect claim 5.

Claim 39, is met as previously discussed with respect claim 13.

As to claim 40, note the **Young** reference figures 1-3, discloses a TV schedule

system and process which allows a user selection of broadcast programs from schedule

information and further discloses machine-readable media for use with an electronic

television program guide, the machine-readable media comprising program logic

recorded there for the following:

the claimed "receiving a user input and providing help information that explains to

the user how the electronic television program guide operates..." is met by Remote

Receiver (RR) 118 or 190 (figs. 3-5, col. 7, lines 33-57 and col. 9, line 48-col. 10, line

10), note that RR 118 or 190 receives via Remote Control Transmitters (RC) 116 or

118, user inputs where if the user selects key PG 224 "help information key" on RC 116

or 118, help information (col. 9, line 54 and col. 12, lines 30-44) that explains to the user

how the electronic television program guide operates is displayed at the bottom of the

screen of Television Receiver (TV) 126 or 200.

Young fails to explicitly teach tracking and storing a current operating mode of

the electronic program guide as the user operates the electronic program guide and

providing help information based on the stored current operating mode.

However, **Richards** teaches a menu system which provides help information, that

appear through pop-up windows, at various operating mode of the menu and the

system tracks and stores the current operating mode of the menu as the user operates

the menu and provides help information based on the stored current operating mode of

the menu and where the stored current operating mode of the menu comprises data

reflecting the current operating mode (figs. 1-4, col.1, line 61-col.2, line 61, col.3, line 1-

col.4, line 33, col.5, lines 8-25, line 46-col.6, line 9, col.7, lines 7-47 and line 47-col.8, line 1+), note that the user navigates through menus and Microprocessor 10, tracks and stores each menu and also items within each menu to dynamically provide different levels of help information based on the mode of operation of a menu.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Richards into the system of Young to dynamically generate help text or instruction and display help text on each selected tile, item or grid of the EPG data, and furthermore enable interaction with each selected tiles or grid of the EPG data for additional information, help or instructions relating to the selected tile or grid of the EPG data.

Claim 42, is met as previously discussed with respect claim 4.

Claim 43, is met as previously discussed with respect claim 5.

Claim 47, is met as previously discussed with respect claim 13.

Claim 52, is met as previously discussed with respect claim 1, note the current operating mode is a menu as disclosed in Richards.

Claim 53, is met as previously discussed with respect claim 14,

Claim 54, is met as previously discussed with respect claim 27,

Claim 55, is met as previously discussed with respect claim 40.

Claim 56, is met as previously discussed with respect claim 1,

Claim 57, is met as previously discussed with respect claim 14,

Claim 58, is met as previously discussed with respect claim 27.

Claim 59, is met as previously discussed with respect claim 40.

5.   Claims 2, 6, 7, 15, 19, 20, 28, 32, 33, 41, 44 and 45, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Young (4,706,121)** in view of **Richards et al (5,179,654)** as applied to claims 1, 14, 27 and 40 above, and further in view of **Palmer et al (6,320,588)**.

As to claims 2, 15, 28 and 41, Young as modified by Richards displays a help menu at the bottom of the screen upon receiving a user selection, but fail to explicitly teach displaying a help icon.

However, **Palmer** teaches displaying a help icon on a menu (fig. 23 and col. 19, lines 31-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Palmer into the system of Young as modified by Richards to provide a help icon as a visual mnemonics on the screen for a user-friendly GUI that allows the user to control without having to remember a command or input at a remote control or keyboard.

As to claims 6, 7, 19, 20, 32, 33, 44 and 45, Young as modified by Richards fails to explicitly teach where the help information comprises displaying an instructional video or audio that explains to the user how a portion of the EPG operates.

However, Palmer further teaches a menu system, with audio/visual help instruction, which explains how a portion of the menu operates (figs. 23-25, col. 17, line 64-col. 18, line 2, col. 19, lines 31-39 and col. 22, line 63-col. 23, line 1+), note that the help instruction offers the user three levels comprehensive textual, audio and visual system documentation (col. 23, lines 30-39).

Therefore it would have been obvious to one of ordinary skill in the art at the time

of the invention to incorporate the teaching of Palmer into the system of Young as

modified by Richards to provide help instructional audio and/or video to enhanced the

EPG data and furthermore, video instructional help to enable the hearing impaired to

get help using video help instructions on a display and also audio instructional help, to

enable the blind get audio help instructions.

Conclusion

6.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Kroll et al (5,797,011) disclose method for controlling the translation of

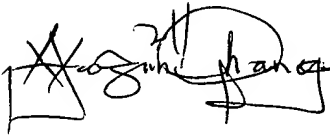information on a display screen from source language to a target language.

Martinez (5,546,521) disclose dynamic presentation of contextual help and status

information.

7.   Any inquiry concerning this communication or earlier communications from

the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-**

272-7355. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone

number for the organization where this application or proceeding is assigned is **571-**

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from

a **USPTO Customer Service Representative or access to the automated**

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Annan Q. Shang